

REMARKS

By this amendment, Applicants have amended claims 1, 4, 8, and 11. As a result, claims 1, 3-4, 6-8, and 10-15 are pending in this application. These amendments are being made to facilitate early allowance of the presently claimed subject matter. Applicants do not acquiesce in the correctness of the objections and rejections and reserve the right to pursue the full scope of the subject matter of the original claims, or claims that are potentially broader in scope, in the current and/or a related patent application. Reconsideration in view of the following remarks is respectfully requested.

Applicants thank the Examiner for his time and courtesy in conducting a telephone interview with Applicants' undersigned representative on August 4, 2011. Further, Applicants thank the Examiner for further discussing the case with Applicants' undersigned representative on October 12, 2011. No exhibits were demonstrated during the interview. The Examiner and Applicants' undersigned representative discussed claim amendments to the independent claims to potentially overcome the rejections under 35 U.S.C. §§ 101, 112, and 103. The substance of the interview is included in the following remarks.

In the Office Action, the Office rejects claims 1, 3, 8, 10, 11, 12, 14 and 15 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Applicants have amended independent claims 1, 8, and 11 and respectfully request that the Office withdraw this rejection.

In the Office Action, the Office objects to claims 1, 4, 6, 8 and 11 because of informalities. Applicants have amended the claims and respectfully request that the Office withdraw this rejection.

In the Office Action, the Office rejects claims 1, 3, 8, 10, 11, 12 and 14 under 35 U.S.C. § 112, second paragraph, as allegedly failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have amended the claims and respectfully request that the Office withdraw the rejection.

Further, the Office rejects claims 1, 4, 8 and 11 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Megiddo (US 6,745,231 B1) in view of Togawa (US 2002/0004821 A1), Ishiguri (US 2002/0004837 A1) and Funk (5,937,162). Further, the Office rejects claims 3, 6, 7 and 10 under 35 U.S.C. §103(a) as allegedly being unpatentable over Megiddo in view of Togawa, Ishiguri and Funk as applied to claims 1, 4, and 8 above, and further in view of Grobman (US 2004/0190722 A1) and Muschenborn (US 2002/0191796 A1). The Office also rejects claims 12-15 under 35 U.S.C. §103(a) as allegedly being unpatentable over Megiddo in view of Togawa, Ishiguri and Funk as applied to claims 1, 4, 8 and 11 above, and further in view of Devanagondi (US 7,317,730). Applicants submit that the Office fails to establish a *prima facie* case of obviousness.

For example, with respect to claim 1 (and similarly claims 4, 8, and 11), Applicants respectfully submit that the Office fails, *inter alia*, to show that the proposed combination of Megiddo, Togawa, Ishiguri, and Funk allegedly teach or suggest “a chunk assembly agent operating on at least one computing device for receiving from said relay MTAs the plurality of chunks, said chunks received at a first mailbox corresponding to the chunk assembly agent, and for re-assembling the plurality of chunks using said predetermined algorithm, the chunk number, and the chunk count in

order to re-build said e-mail before sending it to a second mailbox corresponding to said receiver" as claimed therein. As agreed to during the interview with the Examiner, the combination of the cited references fails to teach or suggest this feature.

In light of the above, Applicants respectfully request withdrawal of the rejections of claims 1, 4, 8, and 11 as allegedly being unpatentable over the proposed combination of Megiddo, Togawa, Ishiguri, and Funk.

With respect to claims 3, 6-7, 10, and 12-15, Applicants respectfully submit that the Office fails to show that each and every feature of the claimed invention is taught or suggested by the proposed combination of Megiddo, Togawa, Ishiguri, Funk, and Grobman and Muschenborn, or Devanagondi. Applicants note that the Office relies on its interpretation of the proposed combination of Megiddo, Togawa, Ishiguri, and Funk as allegedly teaching all the features of independent claims 1, 4, 8, and 11, from which these claims depend. To this extent, Applicants hereby incorporate the arguments presented above for claims 1, 4, 8, and 11. Further, Applicants note that the proposed combination of Grobman and Muschenborn, or Devanagondi, even if, *arguendo*, proper, fails to address the deficiencies of Megiddo, Togawa, Ishiguri, and Funk cited above with respect to claims 1, 4, 8, and 11. As a result, Applicants request withdrawal of the rejection of claims 3, 6-7, 10, and 12-15 as allegedly being unpatentable over the proposed combination of Megiddo, Togawa, Ishiguri, Funk, and Grobman and Muschenborn, or Devanagondi.

Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the

claimed subject matter. Additionally, Applicants do not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary and/or in a related patent application, either of which may seek to obtain protection for claims of a potentially broader scope.

IV. CONCLUSION

In light of the above, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

/Elaine C. Berlin/

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